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April 23, 2008

Via Facsimile (212) 805-7901

Hon. Harold Baer, Jr.
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2230
New York, NY 10007

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HON. H. BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

Re: Sixteen Thirteen Marine S.A. v. Congentra A.G.
Case No.: 08 Civ. 1318 (HB)
Our ref.: 08-1370

Dear Judge Baer:

Our firm represents Defendant/Counterclaimant, Congentra A.G., in the above-referenced action. We write to address Plaintiff's response to our email sent to your law clerk Ms. Gercas yesterday in which we sought permission to file a further Declaration from Congentra's English solicitor Mr. Eurof Lloyd Lewis.

Plaintiff objects to the submission of such a Declaration on the basis that Mr. Lloyd-Lewis was before your Honor at the hearing on Congentra's motion to vacate held on March 28, 2008 and had an opportunity to testify but was not called to the stand. However, we confirm that the contents of Mr. Lloyd-Lewis' intended further Declaration covers evidence not known to Congentra at the time of the hearing. Instead, the contemplated evidence was only obtained by Congentra's following the hearing as a result of its efforts to gather additional information and documents to further defend against Plaintiff's claims. Hence, the presence of Mr. Lloyd-Lewis at the hearing should have no relevance to the Court's consideration of whether to allow the further submission.

Further, where Plaintiff seeks permission to submit evidence in opposition to the intended further Declaration it bears note that Congentra conceded this would be appropriate in its email to Ms. Gercas. In no way is Congentra seeking to gain an unfair advantage. Rather, it seeks to submit what it believes is important evidence bearing on the issues brought before this Court by the Plaintiff when it filed its maritime attachment action.

We appreciate the Court's consideration of Congentra's request and are available to discuss the same at any time convenient to your Honor.

Patrick F. Lennon | Charles E. Murphy | Kevin J. Lennon | Nancy R. Siegel | Anne C. LeVasseur | Coleen A. McEvoy

Respectfully submitted,


Kevin J. Lennon

KJL/bhs

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*I appreciate your effort
but about my earlier ruling*

Approved
4/24/08